

FILED**E-Filing** FEB 26 2007RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA1 KEVIN V. RYAN (CASBN 118321)
United States Attorney2 MARK L. KROTOSKI (CASBN 138549)
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 ERIN CALLAHAN LAMBERT,)
17 Defendant.)
18

No. CR 07-0064 MAG

STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME FROM
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(2), (h)(8)(A))19 With the agreement of the parties, and with the consent of defendant Erin Callahan
20 Lambert, the Court enters this order documenting defendant's exclusion of time under the Speedy
21 Trial Act, 18 U.S.C. § 3161(c)(1), from February 12, 2007, to April 19, 2007. The parties agree,
22 and the Court finds and holds, as follows:23 1. With the concurrence of defendant, the United States Attorney's Office has
24 referred this matter to the Pretrial Services Agency ("Pretrial Services") for evaluation for pretrial
25 diversion. According to Pretrial Services, it likely will take 6-8 weeks for Pretrial Services to
26 determine whether to accept defendant for pretrial diversion. To allow time for this process,
27 defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the
28 requested continuance would unreasonably deny defense counsel reasonable time necessary for

1 effective preparation, taking into account the exercise of due diligence, in this case.

2 2. Given these circumstances, the Court found that the ends of justice served by
3 excluding the period from February 12, 2007, to April 19, 2007, outweigh the best interest of the
4 public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

5 3. The parties concur, and the Court also found, that the parties' joint pursuit of
6 pretrial diversion and deferred prosecution also justify excluding from Speedy Trial Act
7 calculations the period from February 12, 2007, to April 19, 2007, pursuant to 18 U.S.C. §
8 3161(h)(2).

9 4. Accordingly, and with the consent of the defendant, at the hearing on February 12,
10 2007, the Court ordered that the period from February 12, 2007, to April 19, 2007, be excluded
11 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(2), (h)(8)(A) & (B)(iv).

12 IT IS SO STIPULATED:

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14 DATED: February 14, 2007

/s/

JODI LINKER
Attorney for Defendant


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17 DATED: February 13, 2007

/s/

ANDREW P. CAPUTO
Assistant United States Attorney

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20 IT IS SO ORDERED.

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22 DATED: 2-26-07



HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge